

Notice of Allowability

Application No.

09/875,795

Examiner

John M. Winter

Applicant(s)

DAVID, SANCHO ENRIQUE

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on March 31, 2006.
2. ☒ The allowed claim(s) is/are 18-20, 25, 26 and 28-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/6/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


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Art Unit: 3621

DETAILED ACTION

Allowable Subject Matter

Claims 18-20,25-26, and 28-33 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record Hoffman et al., (US Patent Application Publication US 2002/0174067), teaches a tokenless transaction system. [http://www. ffiec.gov/pdf/authentication_guidance.pdf](http://www.ffiec.gov/pdf/authentication_guidance.pdf) teaches authentication of financial transactions. Oi (JP 10229980) teaches an intelligent key device.

What they fail to teach or suggest:

A.

A method for performing secure electronic transactions on a computer network, said network comprising a user's computer, a vendor server, a creditor server and a toolbox server, said user's computer having a gatekeeper and digital fingerprint stored therein, including: said user computer sending a purchase request to said vendor server to pay for a purchase, which purchase request includes a user identification number associated with said user computer and known to said toolbox server, said request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm said an identity of said user computer;said confirmation request causing said toolbox server to send a pre-arranged handshake and primer to said gatekeeper, whereupon said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 18 allowable.

Claims 19 and 20 are dependant upon claim 18 and is therefore allowable for at least the same reason.

B.

A system for copy-protecting content files downloadable from a computer network, said network including a user's computer with a gatekeeper, a vendors server, and a toolbox, wherein said users computer has received fingerprint programming from said toolbox for creating a digital fingerprint for use by said toolbox to identify said user's computer, and further comprising said vendor server configured to encode said digital fingerprint into said content files, whereby said downloaded files will only be downloadable by said user wherein said downloaded files can only be copied a limited number of times directly from said user's computer onto other secondary devices, said limited number being determined by said digital fingerprint encoding, wherein said toolbox server is configured to send a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper is configured to allow confirmation of

Art Unit: 3621

said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 25 allowable.

C.

A system for permitting a secure electronic purchase transaction on a public computer network, said network comprising a user's computer, a vendor's server, and further comprising a means for providing verification of user's identity, said user's computer having a gatekeeper and digital fingerprint stored therein, wherein in response to 'a request by said vendor's server said means for providing verification positively identifies user's computer, requests a confirmation from said user's computer of said transaction, and upon receiving said confirmation, provides vendor's server with a means for receiving payment, wherein said confirmation request is contemporaneously sent to a cellular device, wherein said requesting of said confirmation from said user's computer includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 26 allowable.

D.

A system for performing secure electronic transactions on a computer network, said system comprising a user's computer, a vendor server, a creditor server and a toolbox server, said user's computer having a gatekeeper and digital fingerprint stored therein, and wherein when said user computer sends a purchase request to said vendor server to pay for a purchase, said purchase request includes a user identification number associated with said user computer and known to said toolbox server, said request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm said user computer's identity; and wherein said confirmation request causes said toolbox server to send a pre-arranged handshake and primer to said gatekeeper, whereupon said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 28 allowable.

Claims 29 and 30 are dependant upon claim 28 and is therefore allowable for at least the same reason.

E

A system for permitting a secure electronic transaction on a network, said network comprising a user device having a digital fingerprint and a gatekeeper, a provider's server and further comprising a means for providing verification of user's identity, wherein in response to a request by said provider's server said means for providing verification positively identifies the fingerprint of the user device, requests a confirmation from said user device of said transaction

Art Unit: 3621

and upon receipt of said confirmation, completes the transaction, wherein the network is a public network, and wherein the user device is a digital set top box connected to a television, wherein said requesting said confirmation from said user device of said transaction includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, and wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 31 allowable.

F.

A system for permitting a secure electronic transaction on a network, said network comprising a user device having a digital fingerprint and a gatekeeper, a provider's server and further comprising a means for providing verification of user's identity, wherein in response to a request by said provider's server, said means for providing verification positively identifies the fingerprint of the user device, requests a confirmation from said user device of said transaction and upon receiving said confirmation completes the transaction, wherein said fingerprint provides an electronic signature that can be used to identify a user, wherein said requesting said confirmation from said user device of said transaction includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 32 allowable.

G.

A computer-readable medium including instructions for performing secure electronic transactions on a computer network, said computer network comprising a user's computer, a vendor server, a creditor server and a toolbox server, said user's computer having a gatekeeper and digital fingerprint stored therein, the instructions, when executed by a computer, cause the computer to perform operations comprising: said user's computer sending a purchase request to said vendor server to pay for a purchase; which purchase request includes a user identification number associated with said user's computer and known to said toolbox server; said purchase request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm an identity of said user's computer; said confirmation request causing said toolbox server to send a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint, and wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 33 allowable.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 3621

Washington, D.C. 20231

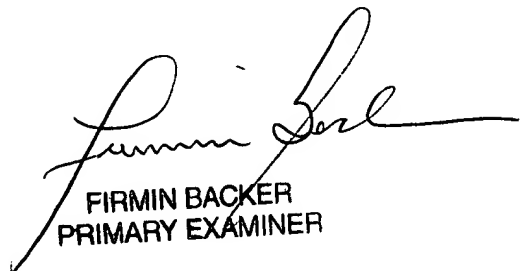
or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

May 28, 2006



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